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Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 ISO-00 AEC-05 AID-05 CEA-01 CIAE-00

CIEP-01 COME-00 DODE-00 EB-07 FPC-01 H-01 INR-05

INT-05 NSAE-00 NSC-05 OMB-01 PM-03 RSC-01 SAM-01

OES-03 SP-02 SS-15 STR-01 TRSE-00 FRB-01 FEA-01

JUSE-00 FTC-01 IO-10 NEA-06 AF-04 SSO-00 NSCE-00

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DRAFTED BY L/EB: CJPITMAN:JM
APPROVED BY L/EB: PRTRIMBLE
EB/ORF/FSE: SBOSWORTH (INFO)
EB: JKATZ (INFO)
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O 172304Z DEC 74
FM SECSTATE WASHDC
TO USMISSION OECD PARIS IMMEDIATE

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E.O. 11652:N/A.
TAGS: ENRG
SUBJECT: IEP - JUSTICE CLEARANCE FOR COMPANY MEETING

FOR ENDERS FROM TRIMBLE

1. WE HAVE RECEIVED FROM JUSTICE LETTER DATED DECEMBER 17 GIVING LIMITED CLEARANCE FOR JOINT DISCUSSIONS AMONG OIL COMPANIES REPRESENTATIVES TO DEVELOP PRELIMINARY PROPOSALS FOR IMPLEMENTING GENERAL INFORMATION SYSTEM AND GOVERNMENT-INDUSTRY CONSULTATION MEASURES.

2. TEXT OF LETTER SIGNED BY KAUPER FOLLOWS:

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BEGIN QUOTE:

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YOU HAVE ADVISED ME OF A PROPOSAL TO CREATE A WORKING PARTY, AT THE REQUEST OF MEMBERS OF THE ENERGY COORDINATING GROUP (ECG), CONSISTING OF REPRESENTATIVES OF CERTAIN INTERNATIONAL OIL COMPANIES. I UNDERSTAND THAT THE ECG HAS DEVELOPED AN INTERNATIONAL ENERGY PROGRAM (IEP), NOW ESTABLISHED WITHIN THE INTERNATIONAL ENERGY AGENCY, WHICH WILL REQUIRE COOPERATION AND CONSULTATION BETWEEN GOVERNMENTS AND OIL COMPANIES. THE PURPOSE OF THE PROPOSED WORKING PARTY WOULD BE TO DEVELOP PRELIMINARY

PROPOSALS FOR IMPLEMENTATION OF THE GENERAL INFORMATION SYSTEM AND GOVERNMENT-INDUSTRY CONSULTATION MEASURES CONTEMPLATES BY THE IEP.

OUR ADVICE RELATES SOLELY TO THE ATTACHED AGENDA AND PROPOSED TERMS OF REFERENCE FOR THE FIRST MEETING OF SUCH WORKING PARTY, WHICH YOU HAVE SUBMITTED FOR OUR REVIEW.

WE FURTHER UNDERSTAND THAT THE PARTICIPANTS WILL CONSIDER, AMONG OTHER THINGS, WHAT TYPES OF INFORMATION REGARDING THE INTERNATIONAL OIL INDUSTRY WILL BE NECESSARY FOR THE GENERAL INFORMATION AND CONSULTATION SYSTEM. YOU HAVE REPRESENTED THAT THE WORKING PARTY WILL EXCHANGE NO SUBSTANTIVE INFORMATION, AND OUR ADVICE IS PREMISED UPON THAT REPRESENTATION. EXCHANGE OF SUCH INFORMATION AMONG COMPANIES BY AGREEMENT OR OTHERWISE WOULD RAISE SERIOUS QUESTIONS UNDER THE ANTITRUST LAWS.

ANY PROPOSALS ARISING OUT OF THE FIRST MEETING OF THE WORKING PARTY SHOULD NOT BE IMPLEMENTED UNLESS IN THE COURSE OF PREPARATION OF OR PURSUANT TO A VOLUNTARY PLAN OF ACTION UNDER SECTION 708 OF THE DEFENSE PRODUCTION ACT, AS APPROVED BY THE ATTORNEY GENERAL AND AFTER CONSULTATION WITH THE FEDERAL TRADE COMMISSION. THIS LETTER IN NO WAY SHOULD BE CONSTRUED AS PRELIMINARY ADVICE BY THE ATTORNEY GENERAL UNDER THE DEFENSE PRODUCTION ACT.

ON THE BASIS OF THE FOREGOING, IT IS THE VIEW OF THE DEPARTMENT OF JUSTICE THAT JOINT DISCUSSIONS AMONG OIL
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COMPANY REPRESENTATIVES AT THE WORKING PARTY MEETING REFERRED TO ABOVE, AT THE INVITATION OF THE UNITED STATES GOVERNMENT, FOR THE PURPOSE OF COOPERATION IN DEVELOPING MACHINERY TO IMPLEMENT A GOVERNMENTAL PROGRAM FOR THE INTERNATIONAL ALLOCATION OF OIL IN TIMES OF EMERGENCY, AND INVOLVING NO AGREEMENTS AMONG THE COMPANIES, THE GOVERNMENTS, OR DISCLOSURE BY ANY OF THE COMPANIES OF CONFIDENTIAL INFORMATION ABOUT THEIR OPERATIONS, WOULD

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NOT CONSTITUTE BEHAVIOR VIOLATIVE OF THE ANTITRUST LAWS
OF THE UNITED STATES ON THE FACTS NOW PRESENTED TO US.

THE BASES FOR OUR VIEW EXPRESSED IN THIS LETTER ARE THE
PROGRAM AND AGENDA AS YOU HAVE DESCRIBED THEM. WE STRONGLY
RECOMMEND THAT NO COMMITMENTS OR STATEMENTS BE MADE BY ANY
UNITED STATES OFFICIAL CONNECTED WITH THIS MEETING WITH

RESPECT TO WHETHER INFORMATIONAL DISCLOSURE OR PROCEDURE
FOR SUCH DISCLOSURE WILL OR WILL NOT RAISE PROBLEMS
UNDER U.S. ANTITRUST LAWS, OTHER THAN BY REFERENCE TO
THIS LETTER.

WE WISH TO STRESS ALSO, THAT NOTHING IN THIS LETTER IS
INTENDED TO SUGGEST ANY LIMITATION ON THE INVESTIGATION
OF OIL COMPANY PRACTICES NOW BEING CARRIED OUT BY OUR
ENERGY UNIT OR BY THE FEDERAL TRADE COMMISSION.

YOU MAY MAKE THESE VIEWS KNOWN TO THOSE FIRMS OR
INDIVIDUALS WHO MAY BE INVITED TO PARTICIPATE IN THE
PROPOSED MEETING AND THE PROGRAM RELATED TO IT.

END QUOTE.

3. REPRESENTATIVES OF EXXON, GULF, MOBIL, TEXACO AND
SOCAL WILL MEET 0900 FRIDAY, DECEMBER 20 AT EXXON OFFICES
IN NEW YORK. TRIMBLE WILL ATTEND MEETING.
KISSINGER

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